

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAIRO GARCIA,

Defendant.

2:21-cr-00224-CDS-VCF-1

Order

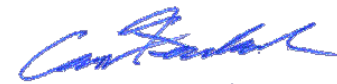
Motion for Leave to file Motion to Dismiss [ECF
No. 72]

I previously recommended that defendant's motion to suppress to denied. ECF No. 67. Defendant Jairo Garcia then filed a motion for leave to file a motion to dismiss. ECF No. 72. Judge Silva rejected my recommendation and granted plaintiff's motion to suppress. ECF No. 82. Judge Weksler granted defendant's motion to reopen the detention hearing and released the defendant, noting that the only evidence against Garcia has now been suppressed. ECF No. 86. Judge Silva stayed this case pending the government's appeal. ECF No. 123. Since this case is now stayed, I deny the defendant's pending motion without prejudice to refile once the stay has been lifted. ECF No. 72.

ACCORDINGLY,

I ORDER that defendant Jairo Garcia's motion for leave to file a motion to dismiss (ECF No. 72) is DENIED without prejudice to refile should this case proceed after the stay is lifted.

DATED this 14th day of March 2023.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE